

Kelley, Karen

From: Talton, Chuck
Sent: Wednesday, April 05, 2017 7:11 AM
To: Kelley, Karen
Subject: FW: Axiall Corporation Response to EPA CERCLA 104(e) Information Request - SBA Shipyard Site
Attachments: Axiall Response to CERCLA 104(e) Information Request _ PDF Version.PDF; Lauren Rucinski.vcf

Karen, please infile Axiall's electronic response attached. Thanks

From: Lauren Rucinski [mailto:Lauren.Rucinski@keanmiller.com]
Sent: Monday, March 20, 2017 1:23 PM
To: Talton, Chuck <talton.chuck@epa.gov>
Cc: Chiang, I-Jung <chiang.i-jung@epa.gov>; Moring, Rebecca (rmoring@westlake.com) <rmoring@westlake.com>; Maureen Harbourt <maureen.harbourt@keanmiller.com>
Subject: Axiall Corporation Response to EPA CERCLA 104(e) Information Request - SBA Shipyard Site

Mr. Talton,

Please see the enclosed response of Axiall Corporation to the CERCLA 104(e) Information Request from the US Environmental Protection Agency regarding the SBA Superfund Site in Jefferson Davis Parish, Louisiana. This response was also sent via certified mail.

If you have any questions concerning this response, please contact Maureen Harbourt at maureen.harbourt@keanmiller.com or Rebecca Moring, counsel for Axiall Corporation's parent company, Westlake Chemical Corporation at RMoring@westlake.com.

Regards,

Lauren Rucinski

Lauren Rucinski
Associate
Kean Miller LLP

II City Plaza
400 Convention Street, Suite 700
Baton Rouge, Louisiana 70802
Post Office Box 3513 (70821-3513)
225.382.4623 (direct)
225.215.4055 (facsimile)
Lauren.Rucinski@keanmiller.com

CONFIDENTIALITY STATEMENT

This electronic message contains information from the law firm of Kean Miller LLP and is confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify us immediately by telephone at (225) 387-0999.

March 20, 2017

Via Certified Mail and E-mail

Mr. Kenneth Talton
Enforcement Officer
Superfund Enforcement Assessment Section
(6SF-TE)
USEPA, Region 6
1445 Ross Ave.
Dallas, TX 75202-2733

Re: EPA CERCLA 104(e) Information Request
SBA Shipyard Superfund Site
Jefferson Davis Parish, Louisiana
Axiall Corporation
File No. 9142-135

Dear Mr. Talton:

I am enclosing the response of Axiall Corporation to the CERCLA 104(e) Information Request from the U.S. Environmental Protection Agency regarding the SBA Superfund Site in Jefferson Davis Parish, Louisiana. Your counsel, Ms. I-Jung Chiang, previously authorized an extension of the deadline for Axiall Corporation to provide its response to March 20, 2017. If you have any questions concerning this response, please contact me or Rebecca Moring, counsel for Axiall Corporation's parent company, Westlake Chemical Corporation at RMoring@westlake.com or (713) 585-7941.

Very truly yours,

A handwritten signature in black ink that reads "Maureen Harbourt" followed by a stylized flourish or initials.

Maureen N. Harbourt

MNH
Enclosure

cc: I-Jung Chiang, Regional Counsel
Rebecca Moring, Westlake Chemical Corp.

**Response to Information Request
Pursuant to Section 104(e) of the
Comprehensive Environmental, Response, Compensation and Liability Act
Dated March 20, 2017
RE: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana**

General Response

Enclosed please find the response ("Response") of Axiall Corporation ("Axiall") to the letter dated January 12, 2017 from Region 6 of the United States Environmental Protection Agency ("EPA") and the accompanying request for information pursuant to §104(e) of the Comprehensive Environmental, Response, Compensation and Liability Act ("CERCLA" or the "Act"), 42 U.S.C. § 9604(e) (the "Information Request"), relating to the SBA Shipyard Superfund Site located in Jennings, Jefferson Davis Parish, Louisiana.

In submitting this response, Axiall does not waive, and hereby expressly reserves, any objections to the Information Request.

General Objections

Axiall objects generally to the following aspects of the Information Request:

1. Axiall objects to the Information Request to the extent that it calls for identification or disclosure of any information that is protected by the attorney/client privilege, the work product doctrine, or any other applicable claim of privilege.
2. Axiall objects to the Information Request to the extent it seeks information beyond any authority of EPA under Section 104 of CERCLA. Specifically and without limiting the foregoing, Axiall objects to the Information Request to the extent it seeks information that is beyond the scope of the subject matter identified in Sections 104(e)(2)(A), (B) & (C) of CERCLA, which are as follows:
 - (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
 - (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
 - (C) Information relating to the ability of a person to pay for or to perform a cleanup.
3. Without limiting the foregoing, to the extent that EPA is seeking to use its authority under §104(e) of CERCLA to gather information beyond that authorized by §104(e), Axiall objects to such, and reserves all rights to challenge any such action. Further, to the extent that EPA seeks to use any information received in this response for any purposes other than that authorized by §104(e), Axiall reserves all rights and objections.

Axiall Corp.

March 20, 2017

Response to CERCLA § 104(e) Information Request dated January 12, 2017

4. Axiall objects and reserves all rights and defenses with respect to any request or statement which calls for or assumes a legal conclusion, including specifically, but not limited to, EPA's statement regarding the applicability of the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq. or the regulations promulgated pursuant thereto. Axiall specifically reserves the right to assert any defense based on the Paperwork Reduction Act available to it.
5. Axiall objects to the Definitions to the extent the Definitions seek to expand the authority of EPA under Section 104 of CERCLA and Axiall reserves all rights and defenses with respect to any request or statement to the extent the use of such Definition, including specifically, but not limited to, the use of the terms "extremely hazardous substance", "EHS" and "hazardous chemicals" in certain Information Requests, to the extent that the use of such term in an Information Request calls for or assumes a legal conclusion.
6. Axiall objects to the Information Request to the extent it requires Axiall to generate information which does not currently exist, to assemble information which does exist into a format desired by EPA, or to obtain information that is not within the possession, custody, or control of Axiall.
7. Specifically and without limiting the foregoing, Axiall objects to the statements of legal requirements contained in the Information Request which are not found in CERCLA or its implementing regulations including, but not limited to the following:
 - a. Instruction No. 2 in Enclosure 1 to the extent that it purports to establish a continuing obligation upon Axiall to supplement its responses.
 - b. EPA's statement regarding the nature of the certification that is required.
8. Axiall objects and reserves all rights and defenses with respect to any Information Request which calls for or assumes a legal conclusion or assumes facts that are not established or are disputed.

The following specific responses are all made subject to these general responses and objections.

GENERAL INFORMATION CONCERNING RESPONDENT

1. Provide the full legal name and mailing address of the Respondent.

Axiall Corporation
2801 Post Oak Blvd., Ste. 600,
Houston, Texas 77056

2. Identify and provide the full name, title, business address, and business

telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.

Persons Consulted in Preparing This Response:

Work Contact Information

Maureen N. Harbourt
Kean Miller LLP
400 Convention St., Suite 700
Baton Rouge, LA 70802
225.382.3412
Maureen.Harbourt@KeanMiller.com

Lauren Rucinski
Kean Miller LLP
400 Convention St., Suite 700
Baton Rouge, LA 70802
225.382.4623
Lauren.Rucinski@keanmiller.com

Melissa Caruso
Kean Miller LLP
400 Convention St., Suite 700
Baton Rouge, LA 70802
225.382.3457
Melissa.Caruso@keanmiller.com

W. Scott Thumma
Marine Manager
Axiall Corporation, a Westlake Company
11 Stanwix St., Suite 1900
Pittsburgh, PA 15222
412.515.8074
Scott.thumma@axiall.com

Byron Martin, Manager, Fleet Maintenance
Axiall Corporation, a Westlake Company
1300 PPG Dr.
Westlake, LA 70669
337.708.4730
Byron.Martin@Axiall.com

Home Contact Information

233 Shady Lake Pkwy.
Baton Rouge, LA 70810

2508 Gates Circle, APT. 30
Baton Rouge, LA 70809

782 Longwood Drive
Baton Rouge, LA 70806

1519 Ashbury Ln.
Pittsburgh, PA 15237
412.366.4869

1203 Kellison Ln.
Sulphur, La 70663

Lloyd Calcote, retired
Former Supervisor Fleet Operations
PPG Industries, Inc.

4200 Heyd Avenue
Lake Charles, LA
337-478-2902
Lloydcalcote@att.net

Rebecca Moring
Senior Counsel Environmental
Westlake Chemical Corporation
2801 Post Oak Blvd., Ste. 600,
Houston, Texas 77056
713.585.7941
rmoring@westlake.com

14127 Woodthorpe LN
Houston, TX 77079

- 3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the Individual's name, address, and telephone number.**

Please direct all future correspondence concerning this Site to Rebecca Moring, at the address or phone number shown above.

- 4. If Respondent is a business, please give a brief description of the nature of the business.**

Axiall Corporation is a manufacturer and worldwide supplier of petrochemicals, vinyls, polymers and building products. Axiall is a subsidiary of Westlake Chemical Corporation.

REQUEST FOR DOCUMENTS

Section 1

- 1. Have you or any associated and/or related entities in any way been involved with or conducted business with the Site?**
- a. If so, please describe your involvement with the Site.**
- b. Provide copies of documents related to any involvement with the Site.**

RESPONSE: No, Axiall has not been involved with or conducted business with the Site, as defined in the EPA CERCLA 104(e) Request. This answer applies to Axiall Corporation, Axiall, LLC, and Georgia Gulf Lake Charles, LLC, a subsidiary of Axiall Corporation. In addition, this applies to Eagle US 2 LLC, a subsidiary of Axiall Corporation. Eagle US 2 LLC was formed in November 2012 as a subsidiary of Eagle Spinco, which was a subsidiary of PPG Industries, Inc.

Axiall Corp.

March 20, 2017

Response to CERCLA § 104(e) Information Request dated January 12, 2017

In January 2013, Georgia Gulf Corporation merged with Eagle Spinco, the former chemicals division of PPG Industries, Inc. to become Axiall Corporation. The stock of Eagle US 2 LLC is held by Axiall Corporation. Axiall Corporation and PPG Industries, Inc. are both named in the CERCLA 104(e) Request for Information. Please note that this response does not apply to PPG Industries, Inc. as a whole, but rather only to the portion of PPG Industries that became Eagle Spinco and its subsidiary Eagle US 2 LLC.

The Eagle US 2 LLC plant in Lake Charles, Louisiana, includes all of the operating units and auxiliary support facilities formerly owned by PPG Industries, Inc., with the exception of the Silicas Plant. PPG Industries, Inc. continues to own the Silicas Plant in Lake Charles, La.

On August 31, 2016, Westlake Chemical Corp. acquired the outstanding stock of Axiall Corporation. This response is not being made for Westlake Chemical Corp., but is limited to the Axiall affiliates named in the paragraph above, as the EPA CERCLA 104(e) Request does not name any Westlake Chemical Corp. entities and we interpret the request to apply to Axiall affiliates and the related PPG Industries entities acquired by Axiall. If this interpretation is incorrect, please let us know.

Axiall notes that PPG Industries did conduct business with Leevac Shipyards located at 111 Bunge Rd., Jennings, Louisiana prior to May 1993. However, this Leevac Shipyards location is not part of the Site defined in the CERCLA 104(e) Request, but rather is approximately 1.5 to 2 miles away from the Site.

2. If your answer to question 1 above is "No", you do not need to respond to the remaining questions.

RESPONSE: No response to the remaining questions as Axiall answered No to question 1.

Signed By:



Maureen N. Harbourt

Kean Miller LLP

Counsel for Axiall Corp.

Date: 3-20-17